

# EXHIBIT B

# ANDERSON KILL P.C.

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By Hand Delivery

February 24, 2020

Clerk of the Court, Ruby J. Krajick  
United States District Court  
Southern District of New York  
Office of the Clerk  
500 Pearl Street  
New York, New York 10007

Re: BNY Mellon et al. v. Islamic Republic of Iran,  
Case No.: 1:19-cv-11767 (GBD) (SN); RE: Service

Dear Clerk of the Court, Ruby J. Krajick:

I represent the Plaintiffs in the above-referenced action.

I am writing to request you effect service on the Defendant, Islamic Republic of Iran, pursuant to 28 U.S.C. §1608(a)(4), at the following address:

Minister of Foreign Affairs  
Ministry of Foreign Affairs of the Islamic Republic of Iran  
Iman Khomeini Avenue  
Tehran, Iran  
ATTN: H.E. Mohammad Javad Zarif

Service on Iran cannot be effected under 28 U.S.C. Sections 1608(a)(1) and (2) because the United States and Iran do not have any special arrangement for service of process upon Iran in accordance with sub-section (1), nor is service permitted by any applicable international convention under the provisions of sub-section (2).<sup>1</sup> See *Valore v. Islamic Republic of Iran*, 700 F. Supp. 2d 52, 70 (D.D.C. 2010).

On January 22, 2020, Plaintiffs, through the Clerk of the Court, attempted to serve Defendant pursuant to the provision to 28 U.S.C. §1608(a)(3). Annexed hereto as **Exhibit 1**, is a copy of the certificate of mailing.

As of Monday, February 24, 2020, over thirty (30) days passed since the certificate of mailing has been issued and service had not been able to be completed

<sup>1</sup> Iran is not a signatory to the convention of the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters.

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under 28 U.S.C. § 1608(a)(3). Annexed hereto as **Exhibit 2**, is a true and correct copy of the USPS tracking information of the package sent by the Clerk of the Court indicating that serve has not been made. .

Accordingly please serve Defendant pursuant to 28 U.S.C. §1608(a)(4) at the following address:

U.S. Department of State  
SA-29, 4th Floor, 2201 C Street NW  
Washington, DC 20520.  
Attn: Secretary of State, Director of Consular Services, Office of Policy Review and Inter-Agency Liaison (CA/OCS/PRI),

Enclosed please find copies of the following documents:

1. Summons
2. Complaint deemed filed on December 27, 2019
3. Civil Cover Sheet
4. Notice of suit prepared in accordance with 22 CF § 93.2 with a copy of 28 U.S.C. 1330
5. Affidavit of translator (along with translations of the above documents)<sup>2</sup>

In total, we are providing three complete sets of the documents, in both English and Farsi. In accordance with pages 12-13 of the Court's Foreign Mailing Instructions we are providing two sets for service on Defendant and a set of documents for the Court's file.

We have also enclosed pre-paid FedEx label and envelope for delivery to the address above. Please note that our firm FedEx account number is 628354049.

We further enclose a cashier's check in the amount of \$2,275.00 made payable to "U.S. Embassy Bern."

Should you have any questions or require any additional information please do not hesitate to contact me.

Regards,

Jerry S. Goldman

Enclosures

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<sup>2</sup> The affidavit of the translator comports with the requirements of NY CPLR 2101(b).

# **EXHIBIT 1**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MELLON ET AL.,

Plaintiffs,

v.

ISLAMIC REPUBLIC OF IRAN,

Defendant.

**CERTIFICATE OF MAILING**

Case No.: 19-cv-11767 (GBD) (SN)

I hereby certify under the penalties of perjury that on the 22<sup>nd</sup> day of January, 2020, I served:

Minister of Foreign Affairs

Ministry of Foreign Affairs of the Islamic Republic of Iran

Imam Khomeini Avenue

Tehran Iran

Attn: H.E. Mohammad Javad Zarif

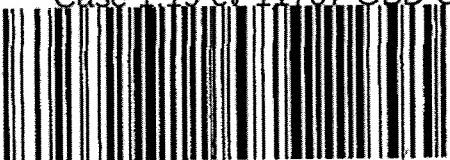
the head of the ministry of foreign affairs, pursuant to the provisions of the Foreign Sovereign Immunities Act, 28 U.S.C. § 1608(a)(3).

Two (2) copies of the Summons, Compliant filed December 27<sup>th</sup>, 2019, Civil Cover Sheet, Notice of Suit with copy of 28 U.S.C. 1330; (along with attached affidavit of translator and Farsi translations of the above documents), by USPS Reg. Mail no. RH002018004US

Dated: New York, New York  
January 22, 2020

RUBY J. KRAJICK  
CLERK OF COURT

/s/Shanee Mcleod  
Deputy Clerk



RH002018004US

## USPS Customs Declaration and Dispatch Note

- Print in English using blue or black ink.
- Complete all SHADeD fields before acceptance.
- See the Privacy Notice on the reverse of Copy 4.

## SHIPMENT INFORMATION (CONTINUED) — BOXED AREA IS FOR USPS USE ONLY

SENDER'S INFORMATION		Full First Name	MI	USPS Official Use 10013	USPS Corporate Account	EMS Scheduled Delivery Date / /
Full Last Name [REDACTED]						
Business Name (if applicable)		Sender's Telephone [REDACTED]		Total Postage/Fees (U.S. \$)	Insured Value (U.S. \$)	Insured Fee (U.S. \$)
Address-1 [REDACTED]				7. Sender's Email Address	8. Addressee's Email Address	
Address-2 [REDACTED]				9. Exporter's Reference (if applicable and known)	10. Exporter's Telephone (if applicable and known)	
City [REDACTED]		State NY	ZIP Code 10013	11. Importer's Reference (if applicable and known)	12. Importer's Telephone (if applicable and known)	
ADDRESSEE'S INFORMATION		Full First Name	MI	13. AES ITN (if applicable)	14. AES Exemption — NOEES (Check one if applicable)	
Full Last Name [REDACTED]					<input type="checkbox"/> \$ 30.38	<input type="checkbox"/> \$ 30.37 (a)
Business Name (if applicable) [REDACTED]		Addressee's Telephone [REDACTED]			<input type="checkbox"/> \$ 30.37 (b)	<input type="checkbox"/> Other _____
Address-1 [REDACTED]				15. License Number (if applicable)	16. Certificate Number (if applicable)	17. Invoice Number (if applicable)
Address-2 [REDACTED]				18. Length (inches)	19. Width (inches)	20. Height (inches)
City [REDACTED]		State/Province [REDACTED]	Country [REDACTED]	21. Restrictions (if applicable — check off that apply)	22. Non-delivery Instructions (Check one)	
				<input type="checkbox"/> Quarantine	<input checked="" type="checkbox"/> Return to Sender	
				<input type="checkbox"/> Sanitary/Phytosanitary Inspection	<input type="checkbox"/> Treat as Abandoned	
				23. Sender's Signature and Date [REDACTED]		
				I certify the particulars given in this customs declaration are correct. This package does not contain any undeclared dangerous items, or items prohibited by legislation or by postal or customs regulations. I have met all applicable export filing requirements under federal law and regulations.		
				For Business Mailers, for items in Block 2 (if the information is known)		
				24. HS Tariff Number	25. Country of Origin	

PS Form 2976-R, April 2016 PSN 7530-17-000-7992

IMPORTANT: This package may be opened officially.

4 — Sender's Copy

Registered No. RH002018004US		Date Stamp 0004 05
Postage \$ 34.75		
Extra Services & Fees <small>(Individually)</small>		
<input type="checkbox"/> Signature Confirmation \$ 0.00		
<input type="checkbox"/> Restricted Delivery \$ 0.00		
Total Postage & Fees \$ 34.75		
Customer Must Declare Full Value \$1.00		Received by 01/22/2021
Domestic insurance up to \$50,000 is included based upon the declared value. International indemnity is limited (see reverse).		
<p>FROM JERRY GOLDMAN PLLC ANDERSON KILL PC 1251 AVENUE OF THE AMERICAS NEW YORK, NY 10020 TO MINISTER OF FOREIGN AFFAIRS MINISTRY OF FOREIGN AFFAIRS OF IRAN IRAN KHOMEINI AVENUE ATTN: MOHAMMED JAVAD ZARIF TEHRAN, IRAN</p> <p>To Be Completed By Customer (Please Print) All Entries Must Be In Ballpoint or Typewriter</p> <p>PS Form 3806, Registered Mail Receipt April 2015, PSN 7530-02-000-8051 For domestic delivery information, visit our website at <a href="http://www.usps.com">www.usps.com</a></p> <p>19CV11767</p>		

# **EXHIBIT 2**

# USPS Tracking®

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**Tracking Number:** RH002018004US

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USPS Tracking® is unavailable for this product for IRAN ISLAMIC REPUBLIC OF.

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